

OPEN MEETING ITEM  
**ORIGINAL** 7/12/07



0000074234

**COMMISSIONERS**  
MIKE GLEASON - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE



BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

SECURITIES DIVISION  
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**ARIZONA CORPORATION COMMISSION**

**MEMORANDUM**

**TO:** Mike Gleason, Chairman  
William A. Mundell  
Jeff Hatch-Miller  
Kristin K. Mayes  
Gary Pierce

**FROM:** Matthew J. Neubert   
Director of Securities

**DATE:** June 14, 2007

**RE:** Denise Leyshon, S-20490A-06-0764

**CC:** Brian C. McNeil, Executive Director

Arizona Corporation Commission  
**DOCKETED**

JUN 25 2007

DOCKETED BY	nr
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AZ CORP COMMISSION  
DOCKET CONTROL

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Attached hereto you will find a document entitled, "Order to Dismiss Respondent Denise Leyshon Without Prejudice" ("Dismissal Order"). Denise Leyshon's husband, David J. Leyshon d/b/a Leyshon Capital Management d/b/a Leyshon Capital Management, LLC (collectively - "Leyshon") was the subject of prior orders entered by the Commission.

At the July 12, 2007, open meeting the Division will be requesting that the Commission enter the Dismissal Order. The following comments pertain to this request:

On December 8, 2006, the Division filed a Notice of Opportunity For Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, For Administrative Penalties, Of Revocation and for Other Affirmative Action ("Notice") concerning David J. Leyshon d/b/a Leyshon Capital Management d/b/a Leyshon Capital Management LLC and Denise Leyshon, husband and wife.

In the Notice, Denise Leyshon ("Mrs. Leyshon") was joined solely for purposes of determining the liability of the marital community.

On February 1, 2007, the Commission approved and entered a Default Order against Leyshon. The order required Leyshon pay \$288,000 in restitution and a \$100,000 fine to the Commission.

Mrs. Leyshon requested a hearing and was not the subject of the default order approved by the Commission against her husband.

On November 9, 2006 Mrs. Leyshon filed for dissolution of marriage from Leyshon. According to public records, a decree of dissolution was entered on June 4, 2007.

Upon information and belief, Mrs. Leyshon was not involved in any securities violations.

The Division has learned that civil judgments have been secured by investors for over 90% of the funds for which the Commission ordered restitution.

The Division believes that the proposed order is appropriate to protect the public welfare and is in the best interest of the investors.

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3 **BEFORE THE ARIZONA CORPORATION COMMISSION**

4 COMMISSIONERS

5 MIKE GLEASON, Chairman  
6 WILLIAM A. MUNDELL  
7 JEFF HATCH-MILLER  
8 KRISTIN K. MAYES  
9 GARY PIERCE

10 In the matter of

11 David J. Leyshon d/b/a Leyshon Capital  
12 d/b/a Leyshon Capital Management d/b/a  
13 Leyshon Capital Management, LLC and  
14 Denise Leyshon, husband and wife,  
15 10603 W. Lone Cactus Drive  
16 Peoria, AZ 85382

17 Respondents.

) DOCKET NO. S-20490A-06-0764

) DECISION NO. \_\_\_\_\_

) **ORDER TO DISMISS RESPONDENT**  
) **DENISE LEYSHON WITHOUT PREJUDICE**

18 A Notice of Opportunity For Hearing was filed on December 8, 2006 against Respondent, Denise  
19 Leyshon. The Arizona Corporation Commission having reviewed this matter and being advised in  
20 the premises,

21 IT IS HEREBY ORDERED:

22 Dismissing Denise Leyshon from these proceedings, without prejudice.  
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1 IT IS FURTHER ORDERED that this Order shall become effective immediately.

2  
3 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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6 CHAIRMAN

COMMISSIONER

7  
8 COMMISSIONER

COMMISSIONER

COMMISSIONER

9  
10 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
11 Executive Director of the Arizona Corporation  
12 Commission, have hereunto set my hand and caused the  
13 official seal of the Commission to be affixed at the  
14 Capitol, in the City of Phoenix, this \_\_\_\_\_ day of  
15 \_\_\_\_\_, 20\_\_.

16 \_\_\_\_\_  
BRIAN C. McNEIL  
Executive Director

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18 \_\_\_\_\_  
DISSENT

19  
20 \_\_\_\_\_  
21 DISSENT

22 This document is available in alternative formats by contacting Linda Hogan, Executive Assistant  
23 to the Executive Director, voice phone number 602-542-3931, E-mail [lhogan@azcc.gov](mailto:lhogan@azcc.gov).

24 (soe)

25  
26 Decision No. \_\_\_\_\_